

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL CLYNES, *individually and on behalf of
all others similarly situated*,

Plaintiff,

-v-

HEBRON TECHNOLOGY CO., LTD.,
ANYUAN SUN, and CHANGJUAN LIANG,

Defendants.

20 Civ. 4420 (PAE)

20 Civ. 4746 (PAE)

ORDER

EDWARD A. DAHLKE, *individually and on behalf
of all others similarly situated*

Plaintiff,

-v-

HEBRON TECHNOLOGY CO., LTD.,
ANYUAN SUN, and CHANGJUAN LIANG,

Defendants.

PAUL A. ENGELMAYER, District Judge:


On June 9, 2020, plaintiff Michael Clynes filed the first of the two related actions, alleging that defendant Hebron Technology Co., Ltd. (“Hebron”) and its officers violated the securities laws by making materially false and misleading statements, as well as failing to disclose material adverse facts, about Hebron, and seeking to represent a class of investors who had suffered losses as a result. Dkt. 1. As required by the Private Securities Litigation Reform Act (“PSLRA”), Clynes also published early notice of his action in a “widely circulated national business-oriented publication or wire service” on the same day. *See* Dkt. 8 (“Lieberman Decl.”), Ex. B; 15 U.S.C. § 78u-4(a)(3)(a)(i) (requiring such notice within 20 days of filing a complaint covered by the PSLRA).

Ten days later, on June 19, 2020, plaintiff Edward A. Dahlke filed a second action, with a Complaint setting forth essentially identical allegations. Dkt. 1 (20 Civ. 4746).

Under the PSLRA, a “any member of the purported class may move the court to serve as lead plaintiff of the purported class” within 60 days of the date on which the notice required by 15 U.S.C. § 78u-4(a)(3)(A)(i) is published. *Id.* § 78u-4(a)(3)(A)(i)(II). On August 7, 2020, Dahlke moved to consolidate these actions and to be appointed lead plaintiff in the consolidated action pursuant to the PSLRA. Dkts. 5–8. On August 10, 2020, Clyne also moved to consolidate the two actions and to be appointed lead plaintiff in the consolidated action. Dkts. 9–11. Also on August 10, the 60-day deadline for any other parties to move to serve as lead plaintiff passed.

Although the plaintiffs seem to agree that the two related actions should be consolidated, they disagree about which of them should serve as lead plaintiff. Nor has defendant Hebron weighed in on either question as of yet. The parties are therefore directed to file any responses to the competing motions to consolidate and serve as lead plaintiff by **August 26, 2020**. The Court will then proceed to consider the motions.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 12, 2020
New York, New York